

SB0102S01 compared with SB0102

{deleted text} shows text that was in SB0102 but was deleted in SB0102S01.

inserted text shows text that was not in SB0102 but was inserted into SB0102S01.

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Senator Karen Mayne proposes the following substitute bill:

PEACE OFFICER TRAINING QUALIFICATIONS

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: { } Paul Ray

LONG TITLE

General Description:

This bill permits some lawful permanent residents to apply to become peace officers or dispatchers.

Highlighted Provisions:

This bill:

- ▶ permits lawful permanent residents who meet certain requirements to apply to become peace officers or dispatchers.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

53-6-203, as last amended by Laws of Utah 2019, Chapter 90

53-6-302, as last amended by Laws of Utah 2011, Chapter 258

63I-1-253, as last amended by Laws of Utah 2020, Chapters 154, 174, 214, 234, 242, 269, 335, and 354

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-6-203** is amended to read:

53-6-203. Applicants for admission to training programs or for certification examination -- Requirements.

(1) Before being accepted for admission to the training programs conducted by a certified academy, and before being allowed to take a certification examination, each applicant for admission or certification examination shall meet the following requirements:

~~[(a) be a United States citizen;]~~

(a) be either:

(i) a United States citizen; or

(ii) a lawful permanent resident of the United States who:

(A) has been in the United States legally for at least five years; and

(B) has legal authorization to work in the United States;

(b) be at least:

(i) 21 years ~~[of age]~~ old at the time of certification as a special function officer; or

(ii) as of July 1, 2019, 19 years ~~[of age]~~ old at the time of certification as a correctional officer;

(c) be a high school graduate or furnish evidence of successful completion of an examination indicating an equivalent achievement;

(d) have not been convicted of a crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;

(e) have demonstrated good moral character, as determined by a background

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investigation; ~~and~~

(f) be free of any physical, emotional, or mental condition that might adversely affect the performance of the applicant's duties as a peace officer~~[-];~~ and

(g) meet all other standards required by POST.

(2) (a) An application for admission to a training program shall be accompanied by a criminal history background check of local, state, and national criminal history files and a background investigation.

(b) The costs of the background check and investigation shall be borne by the applicant or the applicant's employing agency.

(3) (a) Notwithstanding any expungement statute or rule of any other jurisdiction, any conviction obtained in this state or other jurisdiction, including a conviction that has been expunged, dismissed, or treated in a similar manner to either of these procedures, may be considered for purposes of this section.

(b) This provision applies to convictions entered both before and after the effective date of this section.

(4) Any background check or background investigation performed pursuant to the requirements of this section shall be to determine eligibility for admission to training programs or qualification for certification examinations and may not be used as a replacement for any background investigations that may be required of an employing agency.

(5) An applicant shall be considered to be of good moral character under Subsection (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection 53-6-211(1).

(6) An applicant seeking certification as a law enforcement officer, as defined in Section 53-13-103, shall be qualified to possess a firearm under state and federal law.

Section 2. Section 53-6-302 is amended to read:

53-6-302. Applicants for certification examination -- Requirements.

(1) Before being allowed to take a dispatcher certification examination, each applicant shall meet the following requirements:

~~[(a) be a United States citizen; {~~

~~}]~~

(a) be either:

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(i) a United States citizen; or

(ii) a lawful permanent resident of the United States who:

(A) has been in the United States legally for at least five years; and

(B) has legal authorization to work in the United States;

(b) be 18 years ~~[of age]~~ old or older at the time of employment as a dispatcher;

(c) be a high school graduate or have a G.E.D. equivalent;

(d) have not been convicted of a crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;

(e) have demonstrated good moral character, as determined by a background investigation; ~~[and]~~

(f) be free of any physical, emotional, or mental condition that might adversely affect the performance of the applicant's duty as a dispatcher~~[-]; and~~

(g) meet all other standards required by POST.

(2) (a) An application for certification shall be accompanied by a criminal history background check of local, state, and national criminal history files and a background investigation.

(b) The costs of the background check and investigation shall be borne by the applicant or the applicant's employing agency.

(3) (a) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, regarding expungements, or a similar statute or rule of any other jurisdiction, any conviction obtained in this state or other jurisdiction, including a conviction that has been expunged, dismissed, or treated in a similar manner to either of these procedures, may be considered for purposes of this section.

(b) Subsection (3)(a) applies to convictions entered both before and after May 1, 1995.

(4) Any background check or background investigation performed pursuant to the requirements of this section shall be to determine eligibility for admission to training programs or qualification for certification examinations and may not be used as a replacement for any background investigations that may be required of an employing agency.

(5) An applicant is considered to be of good moral character under Subsection (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection 53-6-309(1).

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Section ~~2~~3. Section **63I-1-253** is amended to read:

63I-1-253. Repeal dates, Titles 53 through 53G.

- (1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2021.
- (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2022.
- (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.
- (4) Subsection 53-6-203(1)(~~b~~)(a)(ii), regarding being 19 years old at certification, is repealed July 1, 2027.
- (5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is repealed July 1, 2027.
- (6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.
- (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.
- (9) Section 53B-18-1501 is repealed July 1, 2021.
- (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- (11) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July 1, 2025.
- (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- (13) Section 53E-3-515 is repealed January 1, 2023.
- (14) In relation to a standards review committee, on January 1, 2023:
 - (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and
 - (b) Section 53E-4-203 is repealed.
- (15) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in

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custody, are repealed July 1, 2027.

(16) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

(17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

(18) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.

~~[(19) Section 53F-2-514 is repealed July 1, 2020.]~~

~~[(20)]~~ (19) Section 53F-5-203 is repealed July 1, 2024.

~~[(21)]~~ (20) Section 53F-5-212 is repealed July 1, 2024.

~~[(22)]~~ (21) Section 53F-5-213 is repealed July 1, 2023.

~~[(23)]~~ (22) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

~~[(24)]~~ (23) Section 53F-5-215, in relation to an elementary teacher preparation grant is repealed July 1, 2025.

~~[(25)]~~ (24) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

~~[(26)]~~ (25) Section 53F-9-501 is repealed January 1, 2023.

~~[(27)]~~ (26) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(28)]~~ (27) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2022.